

REMARKS

STATUS OF THE CLAIMS

In accordance with the foregoing, claim 1 has been amended. Claim 21 has been cancelled. New claims 22-24 have been added. Claims 1-20 and 22-24 are pending and under consideration.

No new matter is being presented, and approval and entry of the amended and new claims are respectfully requested.

REJECTIONS OF CLAIMS 1-20 UNDER 35 U.S.C. §103(a) AS BEING UNPATENTABLE OVER REILLY ET AL. (U.S. 2002/0026349) IN VIEW OF THEIMER ET AL. (U.S. PATENT NO. 5,493,692)

The rejections of claims 1-20 are respectfully traversed and reconsideration is requested.

The Examiner notes that Reilly et al. does not disclose that the rank is selected in advance by the receiver before receiving distribution information from the sender, as recited in independent claims 1, 11 and 20. Hence, the Examiner cites Theimer et al. (hereinafter "Theimer") as disclosing this feature.

Applicant respectfully disagrees with the Examiner interpretation of Theimer. Theimer describes a method for delivering electronic messages to an identified user, where multiple display devices, and multiple users, are available. The system of Theimer perceives contextual attributes of a recipient user, including display devices in close proximity to the user, and determines a display property for the message. (Abstract).

According to the portions of Theimer cited by the Examiner (column 4, lines 33-43), an electronic message, intended for an identified user, is obtained. Then, a level of privacy and a level of priority is determined. The profile properties for the identified user are obtained, including display devices in close proximity to the user.

Thus, the system of Theimer does not teach or even suggest selecting a distribution rank in advance by the receiver, *before receiving distribution information from the sender*, as recited in independent claims 1, 11 and 20. In fact, in Theimer, the receiver merely provides a user profile, but does not select a *distribution rank* at all.

Therefore, it is respectfully submitted that independent claims 1, 11 and 20, along with dependent claims 2-10 and 12-19, patentably distinguish over the cited references, alone or in combination.

NEW CLAIMS 22-24

New dependent claims 22-24 depend from independent claims 1, 11 and 20, respectively, and inherit the patentable recitations thereof. Therefore, for at least the reasons provided above for independent claims 1, 11 and 20, it is respectfully submitted that new dependent claims 22-24 patentably distinguish over the prior art.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

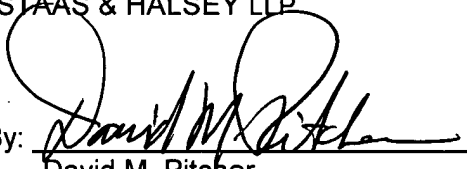
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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